

House Bill 47

By: Representative Bearden of the 68th

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to reckless conduct, so as to increase the penalty for assaults with intent to transmit HIV or hepatitis to peace officers and correctional officers while such officers are engaged in the performance of their official duties or on account of the performance of their official duties; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to reckless conduct, is amended by revising subsection (d) of Code Section 16-5-60, relating to assault by HIV infected persons or hepatitis infected persons, as follows:

“(d) A person who is an HIV infected person or hepatitis infected person and who, after obtaining knowledge of being infected with HIV or hepatitis, commits an assault with the intent to transmit HIV or hepatitis; using his or her body fluids (blood, semen, or vaginal secretions), saliva, urine, or feces upon:

(1) A peace officer while the peace officer is engaged in the performance of his or her official duties or on account of the peace officer's performance of his or her official duties; or

(2) A correctional officer while the correctional officer is engaged in the performance of his or her official duties or on account of the correctional officer's performance of his or her official duties

is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five nor more than ~~20~~ 30 years.”

24 **SECTION 2.**

25 This Act shall become effective on July 1, 2009, and shall apply to all offenses committed
26 on and after such date.

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.